

February 22, 2022, BLT Agenda Comments

These comments on Newport Beach [Board of Library Trustees](#) (BLT) [agenda](#) items are submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item 1. Minutes of the Jan 18, 2022 Board of Library Trustees Meeting

Suggested corrections: The passages shown in *italics* below are from the [draft minutes](#) with suggested corrections indicated in **strikeout underline** format.

Page 1 (page 8 of agenda packet), Item III, last sentence of paragraph 1: “*The Newport Beach Library Services Director is the highest paid outside of the Bay Area so they should attract talent.*” [This comment by me was based on the base salary ([Regular Pay for 2020](#)) of \$214,446.59 disclosed to the Transparent California project by the public employers. If “Other Pay” and “Benefits” were included, there would be additional library directors with higher total compensation.]

Page 4 (page 8 of agenda packet), Item 8, last sentence of paragraph 1: “Over 3,000 magazines are available and are a **compliment complement** to Flipster, the other magazine service the Library subscribes to.”

Item 6. Library Gift and Donor Policy (NBPL 3)

With the exception of the few suggested corrections mentioned below, this policy is probably (since little read) adequate for its purpose. But I think it could stand some improvement.

1. Since Policy NBPL 3 does not appear to mention the City Council, it is not clear how it addresses or complies with the City Charter [Section 708](#) requirement that the BLT “(f) *Accept money, personal property or real estate donated to the City for library purposes, **subject to the approval of the City Council.***” Indeed, the final NBPL 3 statement that “*The ultimate disposition of the gift lies within the sole province of the Board of Library Trustees*” seems to contradict that the BLT believes any Council approval is needed.

It would seem NBPL 3 may be a policy the Council erroneously abandoned dual oversight of in 2017, keeping instead, the mysterious new [Council Policy I-1](#), which the BLT does not seem to have been following.¹

2. NBPL 3 is confusingly written as to its interaction with [NBPL 2](#) (Collection Development Policy). NBPL 2 is cited in identical sentences, one under “Foundation Gifts” on page 1, and the other under “Library Gifts” on page 3. Both may have been intended to read:

*“Gifts to fund specific collections or areas of the Library must be reviewed and approved by the Board of Library Trustees and, **if for materials,** be compatible with the Collection Development Policy (NBPL 2) of the Library.”*

¹ Although the Council arguably cannot impose such a requirement on the BLT, it appears that under Policy I-1, each library policy modification made by the BLT since 2017 should have been submitted to the Council as a receive and file item on their Consent Calendar, much as the Council receives on it an action report on the outcome of every Planning Commission agenda.

The confusion arises because it is unclear from the context if “*areas of the Library*” refers to physical parts of the library (such as a rest room or study area) or to subject areas of the library materials collections (such as local history or vermiculture).

It is hard to see how the BLT would evaluate a gift to fund a physical feature of the library for compatibility with NBPL 2.

Further, if “areas” refers to physical areas, wouldn’t the BLT also want to reserve the right to reject gifts to fund not just “areas” but also the acquisition of physical *objects* in general (such as a mastodon skeleton)?

On the other hand, if “areas” was intended to refer *not* to physical areas, but to areas within the library’s materials collections, then perhaps the sentence should read:

*“Gifts to fund specific collections or **subject areas of within** the Library **collections** must be reviewed and approved by the Board of Library Trustees and be compatible with the Collection Development Policy (NBPL 2) of the Library.”*

3. I am slightly bothered by the statement in the first paragraph under “Foundation Gifts” that “*The Foundation solicits funds, **conducts programs**, and disburses grant monies for the benefit of the Newport Beach Public Library.*” While that may be accurate statement of the current reality, my understanding of the Foundation’s Articles of Incorporation in the Trustees Handbook is that the Foundation exists solely to solicit funds and disburse them to the Library. Some of those funds may be solicited for and used by the Library to defray the cost of its programs, but the Foundation is not supposed to be using the funds it solicits to produce its own programming.
4. The diagram provided with the staff report as Attachment D (Donor Recognition Walls - Central Library First Floor; Central Library Second Floor) seems integral to knowing where the remaining Donor Recognition Wall opportunities of NBPL 3 are. Yet the diagram does not seem to be referenced in NBPL 3. Shouldn’t it be part of, and cited in, NBPL 3, much like the Expressive Use Areas diagrams linked to from the top of [NBPL 9](#)?
5. I remain puzzled why, if naming opportunities continue to be advertised at the Central Library, they are not being solicited for the branches.
6. I am also puzzled that the policy makes no mention of the intended future use of the donor recognition walls outside the Central Library and in the Mariners foyer, but provides, instead, only the vague statement that “*All donors who contribute \$2,500 or more to the Foundation shall be recognized in a manner as designated by the Foundation and approved by the Board of Library Trustees.*”
7. And there is no mention of new naming opportunities in connection with the soon-to-be-built Library Lecture Hall.
8. Two typos:
 - a. Page 1 of Attachments B or C (agenda packet pages 33 and 37), last sentence before “Donor Recognition Walls”: “*Any modification to the foregoing dollar amounts and exception to this policy concerning **Foundation** gifts to the Foundation to fund specific*

collections or areas of the Library will require the express approval of the Newport Beach Library Board of Library Trustees.”

- b. Page 2 of Attachments B or C (agenda packet pages 34 and 38), paragraph 2 after last bullets, sentence 2: “If a **delinquent** pledge payment is not paid within 30 days following written notice to the most recent address provided to the Foundation, the Board of Library Trustees shall have the right to remove the name recognition.” [This appears to be a statement about a notice sent if, and only if, the pledge has not been fulfilled by the five-year deadline. I would not think such a notice demanding payment within 30 days would be sent before that time (otherwise the 5-year grace period would have no meaning. Hence, this does not appear intended to apply to any pledge that has not gone delinquent – that is, that remains unfulfilled after five or more years.]

Item 7. Annual Budget - Preliminary Review

Without further explanation, several aspects of this report are quite mysterious, especially the “conservative” estimates in “ATTACHMENT B - Revenue Projection FY 2022-23.”

I understand staff’s longstanding, if somewhat confusing, policy of not anticipating any gifts (such as from the Friends and Foundation) until they are actually received – which is perhaps understandable given the policy reviewed in the previous agenda item, which calls for gifts to be used to supplement NBPL’s normally-budgeted activities.

Among the unanswered questions:

1. Does the absence of a line for the NBPLF mean the Library received no donation at all from the Foundation in FY 2021-22?
2. Wasn’t the reduction in “LIBRARY FINES” for FY 2021-22, from the anticipated \$50,000 to an actual \$27,274 at least partially due to implementing automatic renewals? If so, why they anticipated to return to the \$50,000 level in FY 2022-23?
3. What are the “PRIVATE REFUNDS & REBATES” that contribute to anticipated revenue? (“refunds and rebates” could equally be an expense item)
4. Why was “VIDEOPLAN RENTAL” revenue so far short of projections in FY 2021-22? And why is it expected to return to the prior level in FY 2022-23?

An additional question is: Since it is part of the Library Services budget, shouldn’t the BLT be reviewing the Cultural Arts budget and the amount of Library staff devoted to it?

Item 8. Arts and Culture Update

In the Library Services Director job description that has been posted (see non-agenda comment, Item VII, below), the Director’s responsibility for overseeing the Arts Commission and the Cultural Arts program is mentioned in passing, even though that responsibility has consumed a significant part of Director Hetherton’s time since the elimination of the Arts Coordinator position.

Is the plan for Camille to take over that role? How much of the new Director's time is expected to be spent on this? Those seem important questions for the BLT to know the answers to.

Item 12. Selection of Book Titles for Craig Gray's A Novel Idea

As I said to the Arts Commissioners when they reviewed a similar item on February 10, the City's boards, commissions and committees are appointed to act and make decisions collectively, not as individuals.

With that in mind, I think the selections made by individual Trustees, without benefit of discussion with or approval by the other members of the Board, would have to be regarded as private citizen suggestions and not the will of the Board. And as such, I would encourage the Trustees to not limit themselves to a single suggestion for consideration by the Arts Commission.

It also seems important to note that when the Director presented this to the Arts Commission, he said that despite the sculpture's title, the works did *not* have to be novels, but could be any form of literature, fiction or non-fiction. I don't know which is now correct. However it appeared Council Member O'Neill had provided to the Arts Commission a list of suggestions many of which were non-fiction.

Some of those had very local connections, such as [The Art of Body Surfing](#) by Judge Robert Gardner.² In that vein, the Trustees may wish to peruse the [Local History cabinets](#) on the Central Library's second floor, where they can find many intriguing local titles. In view of the current sculpture exhibit with which this will overlap in our Civic Center nature park, [The butterflies of Orange County](#) seemed particularly apropos to me, combining, as it would, art, nature, the power of the written word – and a butterfly sculpture.

If novels are required, on October 12, 2015, the *OC Register* posted a [From Chabon to Koontz to Parker: The 10 best books set in Orange County](#), which all seem to be contemporary and mostly from local authors like Dean Koontz and T. Jefferson Parker, and at least one of which ([Pacific Beat](#)) is even set in Newport Beach.³

One should keep in mind, however, that the City is not, at present, proposing to purchase the piece, so it will be returned to Mr. Gray after two years, and if it is too hyper-local to Newport Beach it could limit his choices for selling or exhibiting it elsewhere (unless they can be removed and relabeled).

I personally would be more inclined to remind park visitors of the great classics of American literature, such as Richard Henry Dana's [Two Years before the Mast](#) (a significant part of which takes place in what is now Orange County), or if novels are required such classics as [Moby Dick](#) or [Huckleberry Finn](#). Or if a title for a leaning novel is needed, perhaps [Angle of Repose](#).

² NBPL does not appear to own a copy. According to [WorldCat](#), the closest local print copies are at the [Los Angeles Public Library](#) (but not all public libraries, including NBPL seem to share their catalogs through WorldCat). For the curious, it can easily be borrowed and enjoyed from the Internet Archive's [Open Library](#).

³ The June 7, 2015, text version of this article can be [found](#) on NBPL's eBranch (Newsbank) version of the Register,

Finally, someone might want to gently suggest to the artist that the titles be chiseled onto books whose size bears some proportion to the actual number of pages. For in similar works by him I have seen the titles of some very slender volumes attached to very large stone books, which is a little disconcerting.

Item 15. Library Foundation Liaison Reports

I notice the [Library Foundation](#) solicits “members” and “memberships” – even though my understanding is that it, unlike the Friends, is a non-profit corporation with (as California law allows) no members, voting or otherwise (other than, possibly, its Board of Directors).

Isn't telling people they can become “members” by donating a little misleading?

Item VII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

The Library Activities report of Item 3 mentions the [Library Services Director recruitment](#) launched by Alliance Resource Consulting on February 11.

Not mentioned is that on its [home page](#), under the job ad, Alliance has posted a [survey](#) seeking input as to what qualities and competencies the community would like to see in the new Director. It is the only job opening with such a request for community input.

The question is: **how is anyone supposed to know this survey exists?**

I see nothing on the [NBPL website](#) mentioning the current Director is retiring or that a community survey has been posted. Without that, I would think few members of the Newport Beach public would have any reason to visit the Alliance website, let alone discover the survey link on it.

That said – and this does not seem uncommon with public libraries – I see nothing informing the public that NBPL even has a director, what its management structure is or who fills those positions.

The various City departments' directors *are* identified and profiled under [Government...Departments...Management Team](#) on the City's website, as well as on the [Departments directory](#), but I'm not sure how library patrons visiting the separate NBPL website would be aware of that.

A [search for “management”](#) on the NBPL site appears to come up empty with respect to NBPL. Yet nearly all the other City departments have a page on the City website with a staff directory or organization chart. As best as I can tell, the Library Services Department does not, leaving its internal and public-facing operations more mysterious than necessary.